

Amendment and Response

Applicant: Wesley R. Schalk et al.
Serial No.: 10/657,973
Filed: September 9, 2003
Docket No.: 100201968-4
Title: POWER TRANSMISSION ARRANGEMENT

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed August 8, 2006, in which claims 11-13, 17-21, 24, and 30-35 were rejected.

With this Amendment, claims 13, 21, and 32 have been cancelled without prejudice, and claims 11, 19, and 30 have been amended to clarify Applicant's invention. Claims 11, 12, 17-20, 24, 30, 31, and 33-35, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this Amendment, claim 21 has been cancelled without prejudice. The rejection of claim 21 under 35 U.S.C. 112, second paragraph, therefore, is rendered moot.

Claim Rejections under 35 U.S.C. § 102

Claims 11-13, 17-21, 24, and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kah US Patent No. 5,417,370.

With this Amendment, independent claim 11 has been amended to clarify that the power transmission arrangement includes "a plate supported by the shaft and rotatable between a first position and a second position about an axis of the shaft."

With this Amendment, independent claim 19 has been amended to clarify that the power transmission arrangement includes "a shift plate supported by the drive shaft and supporting the idler gear and the pinion gear, wherein the shift plate is rotatable about an axis of the drive shaft."

With this Amendment, independent claim 30 has been amended to clarify that the power transmission arrangement includes "a shift plate supported by the drive shaft and rotatable between a first position and a second position about an axis of the drive shaft."

With respect to the Kah patent, Applicant submits that this patent does not teach or suggest a power transmission arrangement as claimed in independent claim 11, does not teach or suggest a power transmission arrangement as claimed in independent claim 19, and does

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not teach or suggest a power transmission arrangement as claimed in independent claim 30 including a shift plate supported by a drive shaft and rotatable about an axis of the drive shaft.

For example, the Kah patent discloses a transmission device including a gear cage 18A formed having a top plate 20A and a bottom plate 22A, wherein two gears 42A and 44A are mounted on integral shafts 46A and 48A extending downwardly from top plate 20A of gear cage 18A, and integral shafts 40A, 46A, and 48A of top plate 20A extend into matched openings in bottom plate 22A (col. 15, lines 35-38, lines 57-60, and lines 65-68; see also Figs. 14-18). Shafts 46A and 48A on which respective gears 42A and 44A are mounted, therefore, are integral with top plate 20A. As such, top plate 20A of the Kah patent is not supported by and does not rotate about an axis of integral shaft 48A. Rather, as illustrated in Figs. 16-18 of the Kah patent, integral shafts 40A, 46A, and 48A move with top plate 20A as gear cage 18A pivots around cylindrical member 130. Thus, top plate 20A of the Kah patent does not rotate about an axis of integral shaft 48A.

In view of the above, Applicant submits that independent claims 11, 19, and 30 are each patentably distinct from the Kah patent and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 12, 17, and 18 further define patentably distinct claim 11, dependent claims 20 and 24 further define patentably distinct claim 19, and dependent claims 31, 33, 34, and 35 further define patentably distinct claim 30, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 11-13, 17-21, 24, and 30-35 under 35 U.S.C. 102(b) be reconsidered and withdrawn, and that claims 11, 12, 17-20, 24, 30, 31, and 33-35 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 11, 12, 17-20, 24, 30, 31, and 33-35 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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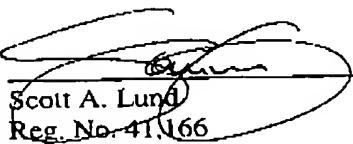
Respectfully submitted,

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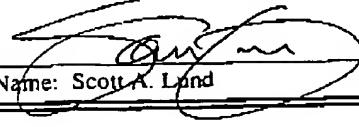
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 13th day of October, 2006.

By 
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